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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,537	11/20/2003	Michael Jackson Hosey	50065.00011	3450

7590 04/18/2006

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EXAMINER

HINZE, LEO T

ART UNIT PAPER NUMBER

2854

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,537

Applicant(s)

HOSEY, MICHAEL JACKSON

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6, 7, 9, 12-14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pantet, US 5,781,512 (hereinafter Pantet) in view of Kauker, US 5,540,367 (hereinafter Kauker).

a. Regarding claim 1:

Pantet teaches a timepiece comprising: a casing (11, Fig. 1); a display device (3, Fig. 1) secured by the casing; and an attachment section (12, Fig. 1) pivotally attached to the casing; and wherein the attachment section is configured to be attachable to an object of interest (“a buckle or a small chain snap hook”, col. 2, ll. 50-51) wherein the attachment section is configured to pivot (“pivot the hinge”, col. 2, ll. 53-57) in a position to maintain the display device in a substantially upright position when the attachment section is placed on a substantially horizontal surface (Fig. 2).

Pantet does not teach wherein the attachment is a clip.

Kauker teaches a loop watch, including a hanger (14, Fig. 1), comprising a carabiner clip (14c, Fig. 1). Such a clip is very functional and allows the watch to be attached to a wide variety

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of belongings such as backpacks, golf bags and any other attachable article (col. 1, ll. 40-42), while not obstructing the hands and making the watch readily visible on various articles of both men's and women's clothing (col. 1, ll. 18-22).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Pantet to include a carabiner clip in the attachment section, because Kauker teaches that a carabiner clip is very functional and allows the watch to be attached to a wide variety of belongings such as backpacks, golf bags and any other attachable article, while not obstructing the hands and making the watch readily visible on various articles of both men's and women's clothing.

b. Regarding claim 2, the combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 1 above. Pantet also teaches wherein the display device comprises a watch module ("pocket and table watch", col. 3, l. 22).

c. Regarding claim 3, the combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 2 above. Pantet also teaches wherein the watch module includes one or more modes selected from a group consisting of a time mode (display elements 6 show the time, Fig. 1).

d. Regarding claim 4, the combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 1 above. Kauker also teaches wherein the clip comprises a carabiner clip (14c, Fig. 1).

e. Regarding claim 6:

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Pantet teaches an attachable display apparatus comprising: a casing (11, Fig. 1) configured to hold (“secured to the case in a removable manner”, col. 2, ll. 35-36) an electronic device having a display; and a stand (12, Fig. 1) coupled to the casing, and configured to attach and detach with an object of interest (“a buckle or a small chain snap hook”, col. 2, ll. 50-51); wherein the casing and the stand are coupled such that they move with respect to each other and can be configured to lie essentially in the same plane to form a first configuration (Fig. 1) and can be configured to form an angle of ninety degrees or less between the stand and the casing to form a second configuration (Fig. 2; “pivot the hinge”, col. 2, ll. 53-57).

Pantet does not teach the stand having at least a portion thereof formed as a clip.

Kauker teaches a loop watch, including a hanger (14, Fig. 1), comprising a carabiner clip (14c, Fig. 1). Such a clip is very functional and allows the watch to be attached to a wide variety of belongings such as backpacks, golf bags and any other attachable article (col. 1, ll. 40-42), while not obstructing the hands and making the watch readily visible on various articles of both men’s and women’s clothing (col. 1, ll. 18-22).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Pantet to include a carabiner clip in the attachment section, because Kauker teaches that a carabiner clip is very functional and allows the watch to be attached to a wide variety of belongings such as backpacks, golf bags and any other attachable article, while not obstructing the hands and making the watch readily visible on various articles of both men’s and women’s clothing.

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- f. Regarding claim 7, the combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 6 above. Pantet also teaches an electronic device (“watches of this type are marketed by Swatch AG, Bienne (Switzerland) under the brand name POP Swatch and are intended to be mounted...,” col. 3, ll. 33-36).
- g. Regarding claim 9, the combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 6 above. Kauker also teaches wherein the clip comprises a carabiner clip (14c, Fig. 1).
- h. Regarding claim 12, the combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 6 above. Pantet also teaches a hinge section (13, Fig. 1) configured to connect the stand with the casing in a pivoting manner.
- i. Regarding claim 13, the combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 7 above. Pantet also teaches wherein the casing configured to hold (“secured to the case in a removable manner”, col. 2, ll. 35-36) an electronic device that includes a multi-function module configured to identify and display an altitude, a temperature, a time, a date, and a compass heading.
- j. Regarding claim 14, the combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 6 above. Pantet also teaches wherein the second configuration maintains the display in an upright position while the stand is placed on a substantially horizontal surface (Fig. 2, col. 2, ll. 53-57).
- k. Regarding claim 16:

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Pantet teaches an apparatus comprising: an electronic device (3, Fig. 1; “watches of this type are marketed by Swatch AG, Bienne (Switzerland) under the brand name POP Swatch and are intended to be mounted...,” col. 3, ll. 33-36) having a display (5, Fig. 1); a casing (11, Fig. 1) configured to hold the electronic device; and an attachment section (12, Fig. 1) pivotally attached to the casing, the attachment section configured to be attachable to an object of interest, the attachment section configured to be pivoted to form a stand for the apparatus (Fig. 2).

Pantet does not teach a clip pivotally attached to the casing, the clip configured to be attachable to an object of interest, the clip configured to be pivoted to form a stand for the apparatus.

Kauker teaches a loop watch, including a hanger (14, Fig. 1), comprising a carabiner clip (14c, Fig. 1). Such a clip is very functional and allows the watch to be attached to a wide variety of belongings such as backpacks, golf bags and any other attachable article (col. 1, ll. 40-42), while not obstructing the hands and making the watch readily visible on various articles of both men’s and women’s clothing (col. 1, ll. 18-22).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Pantet to include a carabiner clip in the attachment section, because Kauker teaches that a carabiner clip is very functional and allows the watch to be attached to a wide variety of belongings such as backpacks, golf bags and any other attachable article, while not obstructing the hands and making the watch readily visible on various articles of both men’s and women’s clothing.

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1. Regarding claim 17, the combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 16 above. Pantet also teaches wherein the electronic device is a watch (3, Fig. 2).

3. Claims 5, 8, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pantet in view of Kauker as applied to claims 2, 7 and 16 above, and further in view of Sekiguchi, US 6,751,164 (hereinafter Sekiguchi).

a. Regarding claim 5:

The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 2 above.

The combination of Pantet and Kauker does not teach a temperature sensor coupled to the watch module and wherein the display device is operable to display a temperature.

Sekiguchi teaches a watch configured to display a temperature (29, Fig. 8).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include a temperature measurement and display function as taught by Sekiguchi, because a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

b. Regarding claim 8:

The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 7 above. Pantet also teaches wherein the electronic device comprises a watch module (5, Fig. 1) that includes a time mode.

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The combination of Pantet and Kauker does not teach one or more modes selected from the group consisting of an altimeter mode.

Sekiguchi teaches a watch configured to display one or more modes selected from the group consisting of an altimeter mode (“using the timepiece as an altimeter,” col. 4, ll. 9-13).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include an altimeter mode as taught by Sekiguchi, because a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

c. Regarding claim 10:

The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 8 above.

The combination of Pantet and Kauker does not teach a temperature sensor coupled to the watch module and wherein the watch module is operative to display an ambient temperature.

Sekiguchi teaches a watch configured to display a temperature (29, Fig. 8), and a temperature sensor (7, Fig. 3; col. 9, ll. 39-42).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include a temperature sensor coupled to the watch module and wherein the watch module is operative to display an ambient temperature as taught by Sekiguchi, because a person having ordinary skill in the art would recognize that the

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addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

d. Regarding claim 18:

The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 16 above.

The combination of Pantet and Kauker does not teach wherein the electronic device comprises an altimeter.

Sekiguchi teaches a watch configured to display one or more modes selected from the group consisting of an altimeter mode ("using the timepiece as an altimeter," col. 4, ll. 9-13).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include an altimeter mode as taught by Sekiguchi, because a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

4. Claims 11, 15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pantet in view of Kauker as applied to claims 7 and 16 above, and further in view of Gilmour, US 6,801,476 (hereinafter Gilmour).

a. Regarding claims 11 and 19:

The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claims 7 and 16 above.

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The combination of Pantet and Kauker does not teach wherein the electronic device comprises a personal audio device.

Gilmour teaches a wrist-worn phone and body-worn data storage device, including a personal audio device (MP3 music player, col. 7, l. 44).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include a personal audio device as taught by Gilmour, because a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

b. Regarding claims 15 and 20:

The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claims 7 and 16 above.

The combination of Pantet and Kauker does not teach wherein the electronic device comprises a radio communication device.

Gilmour teaches a wrist-worn phone and body-worn data storage device, including a radio communication device (col. 4, ll. 17-18).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include a radio communication device as taught by Gilmour, because a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

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c. Regarding claim 21:

The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 16 above.

The combination of Pantet and Kauker does not teach wherein the electronic device comprises a digital camera.

Gilmour teaches a wrist-worn phone and body-worn data storage device, including a digital camera (“digital camera”, col. 7, l. 46).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include a digital camera as taught by Gilmour, because a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pantet in view of Kauker as applied to claim 16 above, and further in view of Lowdenslager, US 4,022,014 (hereinafter Lowdenslager).

a. Regarding claim 22:

The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 16 above.

The combination of Pantet and Kauker does not teach wherein the electronic device comprises a calculator.

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Lowdenslager teaches a combination wristwatch/calculator (Fig. 2) that adds the functionality to perform various arithmetic functions such as recording expenditures in a supermarket, balancing a checkbook stub, or checking inventories (col. 1, ll. 65-68).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include a calculator as taught by Lowdenslager, because Lowdenslager teaches that a calculator adds the functionality to perform various arithmetic functions such as recording expenditures in a supermarket, balancing a checkbook stub, or checking inventories, and a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

Response to Arguments

6. Examiner agrees with applicant's arguments on pp. 6-7 that Pantet does not anticipate under 102(b) the newly amended claims 1-3, 6-8, and 10-15. The newly amended claims are therefore rejected as unpatentable over Pantet in view of Kauker as discussed above.

7. With respect to applicant's arguments on pp. 7-8 that Pantet does not disclose an electronic device, the examiner agrees that a pocket watch may be entirely mechanical. However, Pantet teaches the use of an electronic watch as discussed in the rejections above.

8. In response to applicant's arguments on p. 9 that the examiner has failed to show proper motivation to combine the Pantet and Kauker references, the examiner has set forth motivation to combine the references as found in Kauker, and set forth in the rejections of the claims above. Applicant should note that the Kauker reference applied in the current and immediately

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preceding office action is a utility patent, and not the same Kauker design patent that was applied in the first office action.

9. In response to applicant's arguments on p. 9-10 that Pantet teaches away from the combination Kauker as set forth by the examiner, it appears that applicant is relying on the Kauker design patent as a basis for this argument. The examiner can find no basis in Pantet for the conclusion that Pantet teaches away from the proposed combination with Kauker.

a. The addition of features from Kauker to the Pantet device will not cause an increase in bulk as alleged by the applicant on p. 9. It appears the carabiner clip (14, Fig. 1) taught by Kauker is of comparable size and scale to the support device 12 of Pantet.

b. Applicant's argument on p. 10 that Kauker's ability to be "easily attached to a wide variety of objects" obviates a need to modify the Pantet reference to have the same functionality is not persuasive. This argument fails because it appears to allege that no combination of references would ever be sufficient to create a prima facie case of obviousness, because under 35 U.S.C. § 103(a), every combination of references results in a device that embodies features that the secondary references already embodied before the combination.

10. The examiner is not persuaded by applicant's arguments on pp. 10-11 that the combination of Pantet and Kauker would not result in the claimed invention. While one having ordinary skill in the art could certainly combine the references as suggest by the applicant, one having ordinary skill in the art would also be motivated to combine the references as discussed in the rejections above by simply adding a carabiner clip 14 taught by Kauker into the second part 12 taught by Pantet, thus resulting in a combination that results in the claimed invention. A

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person having ordinary skill in the art would recognize that this combination would provide the benefits taught by Kauker (such a clip is very functional and allows the watch to be attached to a wide variety of belongings such as backpacks, golf bags and any other attachable article (col. 1, ll. 40-42), while not obstructing the hands and making the watch readily visible on various articles of both men's and women's clothing (col. 1, ll. 18-22)).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo T. Hinze
Patent Examiner
AU 2854
04 April 2006


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PRIMARY EXAMINER